



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/653,216	08/31/2000	Gregory L. Slaughter	5181-69900	4767

7590

04/05/2004

Robert C Kowert  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

EXAMINER
----------

MANIWANG, JOSEPH R

ART UNIT	PAPER NUMBER
----------	--------------

2144

DATE MAILED: 04/05/2004

7

Please find below and/or attached an Office communication concerning this application or proceeding.

pp4

# Office Action Summary

Application No.

09/653,216

Applicant(s)

SLAUGHTER ET AL.

Examiner

Joseph R Maniwang

Art Unit

2144

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 November 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-104 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-104 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>4-6</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 07/12/01 has not been properly matched with the case file at the time of examination by Examiner. However, all documents provided with the case file have been fully considered, including any remaining documents not listed by the IDS forms in the case file. Applicant is not required to resend cited references as it is likely that the remaining references considered were those listed by the missing IDS but is advised to resend a copy of the missing IDS for purposes of record.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 9 and 10 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 9 recites the limitation "said address". There is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said address". There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-11, 13-23, 25-31, 33-35, 59-65, 67-71, 88-90, and 92-95 are rejected under 35 U.S.C. 102(e) as being anticipated by Waldo et al. (U.S. Pat. No. 6,237,009), hereinafter Waldo et al.

Waldo disclosed a method and system for managing resources in a client-server environment. In the system of Waldo, a client sent a “dirty call” received by a server, which was a request for a service containing a requested lease period for the resource. The server then granted access to the resource for a period equivalent to the requested lease period or another lease period (see column 4, line 51 through column 5, line 59). Within this granted lease period, a client could send renewal messages for extending the lease period (see column 9, lines 55-60), or cancellation messages (“clean calls”) for ending the lease period before the granted expiration time (see column 9, lines 62-67). Waldo disclosed using addresses for referencing resources, and the use of message endpoints for handling the communication of requests between client/server applications (see column 8, lines 54-59; column 10, lines 42-55). In communicating requests and granting lease periods, response messages could also be communicated

Art Unit: 2144

(see column 10, lines 56-60). Waldo also disclosed a lookup service for storing references to resources, enabling clients to access the resources (see column 14, line 30 through column 15, line 30).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 12, 24, 32, 36-58, 66, 72-87, 91, and 96-104 are rejected under 35 U.S.C. 103(a) as being unpatentable over Waldo et al. (U.S. Pat. No. 6,237,009), hereinafter Waldo et al., and further in view of Graham et al. (U.S. Pat. No. 6,594,700), hereinafter referred to as Graham.

Waldo disclosed a method and system for managing resources in a client-server environment. In the system of Waldo, a client sent a "dirty call" received by a server, which was a request for a service containing a requested lease period for the resource. The server then granted access to the resource for a period equivalent to the requested lease period or another lease period (see column 4, line 51 through column 5, line 59). Within this granted lease period, a client could send renewal messages for extending the lease period (see column 9, lines 55-60), or cancellation messages ("clean calls") for ending the lease period before the granted expiration time (see column 9, lines 62-67). Waldo disclosed using addresses for referencing resources, and the use of

Art Unit: 2144

message endpoints for handling the communication of requests between client/server applications (see column 8, lines 54-59; column 10, lines 42-55). In communicating requests and granting lease periods, response messages could also be communicated (see column 10, lines 56-60). Waldo also disclosed a lookup service for storing references to resources, enabling clients to access the resources (see column 14, line 30 through column 15, line 30).

Waldo did not specifically disclose the use of XML, or the use of a lease-based system for managing service advertisements within the space service.

In a related art of providing resources in a client-server network, Graham disclosed a system for registering services in a lookup service. A service in the system could advertise itself to clients through a lookup space. The space stored service advertisements by listening for advertising requests and then storing the requests in an internal registry. Advertisements were stored using XML allowing for efficient matching to a client request. At any one time, the registry contained an index of a plurality of advertisements. Graham disclosed that advertisements were also leased with a given lifetime or duration (see column 2, lines 16-50; column 6, lines 19-65).

It would have been obvious to one of ordinary skill at the time of invention to combine the teachings of Waldo and Graham to provide a lease-based system for accessing resources, and to provide a space service storing service advertisements in XML using a similar lease-based system for managing stored advertisements. Waldo provided clear teachings on the use of lease-based access to resources in conjunction with a space service for storing service definitions (see column 14, line 39 through

Art Unit: 2144

column 15, line 19). Graham disclosed a similar space service for storing service advertisements in XML but with an additional feature of leasing the ad space for a certain time period (see column 6, lines 50-65). One of ordinary skill in the art would have been motivated to consider incorporating a lease-based advertising system described by Graham as it provided an efficient and convenient client-service matching, and was useful in brokering requests and responses between many different protocols, providing a more universal system (see column 2, lines 22-28; column 6, lines 19-27).

### ***Conclusion***

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Waldo et al. (U.S. Pat. No. 6,185,611) disclosed a lookup service that dynamically allowed for the addition/deletion of services.

Waldo et al. (U.S. Pat. No. 6,708,171) disclosed a network proxy for registering services in a network and allowing clients to access lookup service.

Wollrath et al. (U.S. Pat. No. 6,263,350) disclosed a method and system for leasing storage in a client-server network.

O'Sullivan et al. (U.S. Pat. No. 6,560,656) disclosed a system for allowing a service to join a network.

Czerwinski et al. ("An Architecture for a Secure Service Discovery Service", Fifth Annual International Conference on Mobile Computing and Networks (MobiCOM '99),

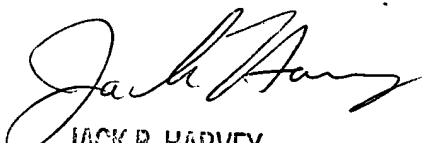
Art Unit: 2144

Seattle, WA, August 1999) disclosed a system using XML where client could access resources defined at a discovery service.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph R Maniwang whose telephone number is (703) 305-3179. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack B Harvey can be reached on (703)305-9705. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
JACK B. HARVEY  
SUPERVISORY PATENT EXAMINER

JM